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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,655	03/29/2004	Joseph Johan Maria Van Rens	2007-1003-2	1124

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EXAMINER

DESAI, HEMANT

ART UNIT PAPER NUMBER

3721

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,655

Applicant(s)

VAN RENS ET AL.

Examiner

Hemant M Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 7-12, 14-21 and 23-30 is/are rejected.
7) ☒ Claim(s) 4-6, 13 and 22 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/985,037.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-10, 14-20, 23-24 and 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Several phrases in the claims are vague, indefinite and/or misleading, for example, "the first and second drive means", (claims 7, 16, 26, line 2), it is not understood applicant is referring to which first and second drive means, "the drive of the machine" (claims 14 and 23, line 4) it is not clear which drive of the machine applicant is referring to.

In claim 14 and 23 "and of means", line 4, should be "and means for".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 7-12, 16-21, 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (6350340).

Johnson discloses form-fill-seal machine comprising means for moving a web of packaging material (110, fig. 1) through the machine according to a process path (112, fig. 1) and means for transforming the web into filled bags (1, fig. 1), furthermore comprising a zipper strip applicator device (2131, fig. 20B) having means (2130D, 2131, fig. 20B) for supplying a zipper strip for each bag transverse to the process path, which supply means comprise a first and a second conveyor, which in the supply direction of the zipper strip are placed one behind the other (see fig. 1) and are both provided with means for retaining or engaging the zipper strip during supply (2121A, 2049, 2051, 2053, 2055, figs. 20A and 20B), a blade (2121, fig. 20B) being placed between the first and the second conveyor for cutting the zipper strip, wherein the means for retaining or engaging the zipper strip include vacuum means (2049, 2051, 2053, 2055, figs. 20A and 20B) belt and retain or engage the zipper strip at various locations along the length of the zipper strip, which meets all the claimed limitations.

Regarding claims 2 and 18, the first conveyor (2130D) and the second conveyor (2131) are driven by one single drive (469, fig. 20A).

Regarding claim 3, the first conveyor and the second conveyor are positioned below the process path of the web to support the zipper strip.

Regarding claims 7-10, 16-17, 19 and 20, the form-fill-seal machine provided with control means (servo motor 469 and roller 2030F, fig. 20A) for the first and second conveyors and the blade and the control means being adjusted to consecutively operate the first drive means to transfer a predetermined length of zipper strip to the second conveyor, to subsequently operate the blade and then operate the second conveyor for

positioning the cut- of zipper strip portion transverse to the web (see col. 15, lines 20-53).

Regarding claims 11, 21 and 30, Johnson, as mentioned above, discloses all the claimed limitations.

Regarding claim 12, the means for retaining or engaging the zipper strip include vacuum means (2049, 2051, 2053, 2055).

Regarding claim 25, at least the second conveyor being placed below the web (see col. 15, lines 58-61).

Regarding claim 26-29, the form-fill-seal machine provided with control means (servo motor 469 and roller 2030F) for the first and second conveyors and the blade, the control means being adjusted to consecutively operate the first drive means to transfer a predetermined length of zipper strip to the second conveyor, to subsequently operate the blade and then operate the second conveyor for positioning the cut- off zipper strip portion transverse to the web (see col. 15, lines 20-53).

Allowable Subject Matter

5. Claims 4-6, 13 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 14-15 and 23-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

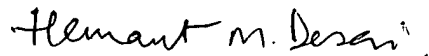
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (703) 308-5830. The examiner can normally be reached on 7:00 AM-5: 30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hemant M Desai
Examiner
Art Unit 3721

HMD